

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EVELYN R. BENNETT,

Plaintiff,

v.

KAISER PERMANENTE,

Defendant.

Case No. [14-cv-02676-MEJ](#)

**ORDER TO SHOW CAUSE WHY
CLAIMS AGAINST DEFENDANT
SHOULD NOT BE DISMISSED**

On June 10, 2014, Plaintiff Evelyn R. Bennett filed the instant complaint. To date, Plaintiff has not filed proof of service of the summons and complaint upon Defendant Kaiser Permanente. "If a defendant is not served within 120 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m).

Accordingly, pursuant to Rule 4(m), Plaintiff is hereby ORDERED TO SHOW CAUSE, in writing and no later than September 18, 2014, why the claims against the above identified Defendant should not be dismissed for failure to serve within the time required by Rule 4(m). Notice is hereby provided to Plaintiff that the Court may dismiss said Defendant if no responsive declaration is filed. Thus, it is imperative that Plaintiff file a written response by the deadline above.

The September 11, 2014 Case Management Conference is VACATED.

IT IS SO ORDERED.

Dated: September 5, 2014



MARIA-ELENA JAMES
United States Magistrate Judge

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CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 9/5/2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Evelyn R. Bennett
4665 Dolores Avenue
Oakland, CA 94602

Dated: 9/5/2014

Richard W. Wieking
Clerk, United States District Court

By: 
Chris Nathan, Deputy Clerk to the
Honorable MARIA-ELENA JAMES

United States District Court
Northern District of California